

# Notice of Allowability

Application No.

09/943,043

Examiner

Brian K. Green

Applicant(s)

ROSE, TODD L.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/6/2004.
  2. ☒ The allowed claim(s) is/are 1-5, 7-9 and 11-25.
  3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
  4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other See Continuation Sheet.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Hugh D. Jaeger on April 29, 2004.

The application has been amended as follows:

In the specification, page 8, line 2, after the phrase "a rail 10" the following has been added -- generally extending end to end of the enclosure --.

In the specification, page 8, line 7, "information" has been replaced with -- (72) --.

In claim 1, section c., line 1, "after the phrase "rail being" the following has been added -- directly --.

In claim 3, section a., lines 1-2, the phrase "housing electronic components for operating an electronic display and" has been canceled.

In claim 3, section b., line 1, after the phrase "a rail" the following has been added -- generally extending end to end of the enclosure and --.

Claims 26-30 have been canceled.

The following is an examiner's statement of reasons for allowance: In regard to claim 1, Boatman fails to disclose placing opposed spaced upper and lower brackets on the rear panel

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which are attached to an edge of a structural member and placing an access panel on an upper portion of the rear panel. In regard to claim 1, Tucker fails to disclose attaching the opposed spaced upper and lower brackets to an edge of a structural member, placing an access panel on an upper portion of the rear panel, and attaching a rail directly to the top panel. In regard to claim 1, Griek et al. in view of Stadjuhar et al. fail to disclose placing opposed spaced upper and lower brackets on the lower portion of the rear panel which are attached to an edge of a structural member, placing an access panel on an upper portion of the rear panel, and attaching the rail directly to the top panel of the enclosure. In regard to claim 2, Griek et al. in view of Stadjuhar et al. and Anderson fail to teach the idea of attaching the rail directly to the upper enclosure surface. Further, there is no obvious reason to attach the rail directly to the upper enclosure surface since the Griek et al. patent discloses the idea of making the mounting assembly including the brackets and rail separate from the sign. In regard to claim 3, Boatman fails to disclose the idea of attaching an electronic display to the enclosure as well as a rail which generally extends from end to end of the enclosure. In regard to claim 22, Griek et al. in view of Stadjuhar et al. fail to disclose a seating deck structure that includes an upper surface having a plurality of upper mounting plates secured thereto and a lower surface having a plurality of lower mounting plates secured thereto and an electronic sign enclosure having a rail mounted thereto and a rear panel having a plurality of upper and lower mounting brackets which are attached to the mounting plates on the seating deck structure.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

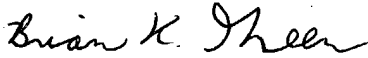
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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BRIAN K. GREEN  
PRIMARY EXAMINER

Bkg  
April 30, 2004